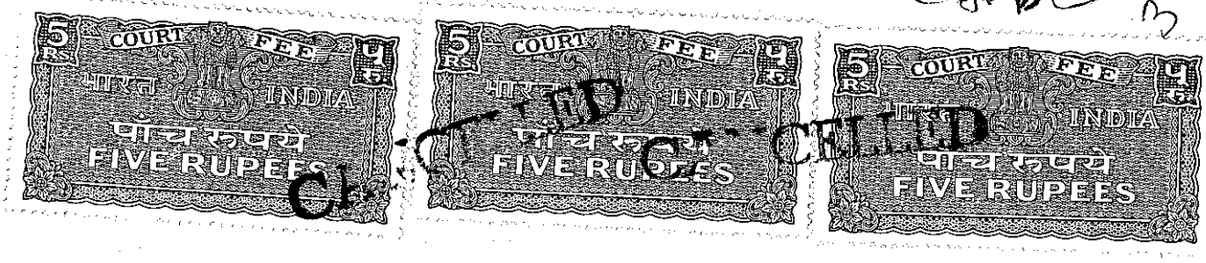

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Misc.Appeal No. 463 of 2004

(Memorandum of Misc.Appeal U/s 173 of M.V. Act)

APPELLANT : Naina Jain D/o Harendra , aged about 4 years minor, through natural guardian father Harendra aged 35 years r/o Pathanshahi Navrangpur , Orissa .

Versus

RESPONDENTS :

1. Salim Khan S/o Babu Khan, aged about 27 years, r/o Sanjay Nagar Kanker District Kanker (CG).

2. Smt. Jamila W/o Abdul Rashid r/o near Masjid Kanker, District Kanker (CG).

3. Oriental Insurance Company Limited Kachhari Chowk, Jail Road, Raipur.

Note : Respondents no.4,5 and 6 have been exempted , therefore they have not been made party in this appeal.

P.R. No. 101-1-04
Presented by Shri Sushil Sahu
dated 15-4-04

MEMORANDUM OF MISC.APPEAL UNDER SECTION 173 OF MOTOR VEHICLES ACT

HIGH COURT OF CHHATTISGARH : BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL NO. 463/2004

Appellant : Naina Jain

Versus

Respondents: Salim Khan and others.

(Arising out of Claim Case No. 299/2002)

02-12-2006

Shri B.K. Jain, counsel for the appellant.

None for respondents No.1 & 2.

Shri Anand Kumar Gupta, Administrative Officer, the Oriental Insurance Company Limited with Smt. Chitra Shrivastava, counsel for respondent No.3.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.5000/- (Rupees Five Thousand Only) to the appellant.
2) For disbursement and deposit in FDR, the direction and ratio adopted by the Tribunal, if any, shall follow.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellant shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondent No.1 and 2 stands dismissed.
6) Out of the above amount, Rs.50/- (Rupees Fifty only) shall be paid to counsel for the appellant directly by the Insurance Company towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
V.K. Shrivastava
Judge

Sd/- 2.12.06
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur